

REMARKS

Upon entry of the above amendments, claims 1-28 will be pending. Applicants propose amendment of claims 10 and 17 and the addition of new claim 28 in response to the outstanding rejection under 35 USC 112. Entry of the proposed amendments after final rejection is earnestly solicited. A marked-up version showing the proposed is attached hereto as "**Version with markings to show changes made.**"

Claims 10 and 17 were rejected under 35 USC §112, second paragraph, as being indefinite. In regard to claim 10, applicants propose amendments to state that the protrusion is provided at an internal angle of 30° to 100°. In regard to claim 17, applicants propose amendment of claim 17 and the addition of new claim 28 to avoid the lack of antecedent basis. In other words, claim 17 is proposed to be amended into two separate dependent claims to avoid the lack of antecedent basis. Entry of the proposed amendments after final rejection and withdrawal of the rejection are earnestly solicited.

Claims 1-4, 7-12, 21, 23-26 were rejected under 35 USC §102(b) as being clearly anticipated by *Pletscher*. The Examiner comments in item 9 on page 5 of the Office Action that *Pletscher* is considered to show a barrel having a porous peripheral surface since it can be made of rubber, plastic or wood. Wood apparently is considered a porous material based upon the ordinary dictionary definition of porous as containing vessels. This rejection is respectfully traversed.

The ordinary definition of porous, by itself, does not apply to the present claims. More

specifically, the claims merely do not state porous, but require "a porous peripheral surface." The specification defines a porous peripheral surface at page 13, line 5, as being "anything provided that the surface-treating material can be reached to a work piece accommodated in the tubular barrel." The barrel of *Pletscher* does not meet the definition of "porous peripheral surface" as defined in the present specification.

Claims 5, 6, 13-17 were rejected under 35 USC §103(a) as being unpatentable over *Pletscher*, alone. This rejection is traversed for the same reasons discussed above. That is, *Pletscher* fails to teach or suggest a barrel having a porous peripheral surface.

Claims 18-20 and 27 were rejected under 35 USC §103(a) as being unpatentable over *Pletscher* in view of *Steube*. This rejection is respectfully traversed.

There would have been no motivation to employ a mesh surface in *Pletscher* because such would not allow the mass of smooth-surface or abrasive particles to be contained within the barrel of *Pletscher*. The Examiner argues that such a modification would have been obvious "in order to filter out abraded debris from workpiece." Such a modification, however, would destroy the intended function of *Pletscher*. It is well settled that references are not properly combinable or modifiable if their intended function is destroyed.

Claim 22 was rejected under 35 USC §103(a) as being unpatentable over *Pletscher* in view of *Kanouse*. This rejection is traversed for the same reasons discussed above. That is, the combination of references fails to teach or suggest the claimed porous peripheral surface.

For at least the foregoing reasons, the present invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

U.S. Patent Application Serial No. 09/901,044

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Attachments: Version with markings to show changes made
Petition for Extension of time

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IN THE CLAIMS:

Claims 10 and 17 have been amended as follows:

Claim 10. (Twice Amended) An apparatus according to claim 9, wherein said protrusion is provided at an internal angle of 30° to 100°[to a tangential line in a direction of rotation in the sectional shape with respect to the rotational axis of said tubular barrel].

Claim 17. (Twice Amended) An apparatus according to claim 13 [or 15], wherein a work [pieces] piece [are] is accommodated in [one] each of said partitioned accommodating sections [and partitioned chambers on a one-to-one basis].